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10/579,567

05/17/2006

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EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

08/18/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |  |  |  |
|------------------------------|--|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/579,567   | <b>Applicant(s)</b><br>NAKAGAWA ET AL. |  |
|                              | <b>Examiner</b><br>Christopher Verdier | <b>Art Unit</b><br>3745                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4-5, 7-8, 10-14, 16-17, 19, 21-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,5,7,8,11-14,16,17 and 22-28 is/are allowed.
- 6) ☒ Claim(s) 10,19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-18-10; 4-16-10</u> . | 6) <input type="checkbox"/> Other: _____  |

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Applicant's Amendment dated May 21, 2010 has been carefully considered but is non-persuasive. The specification has been amended to correct the informalities set forth in the previous Office Action. Claim 12 has been amended to overcome the objection thereto. The Replacement Sheets of Drawings filed May 21, 2010 are acceptable. With regard to Applicant's argument (Applicant's Remarks dated May 21, 2010, page 11, paragraph 4) that the horizontal lines in figures 12A-12C are not centerlines, but an axis defining a radius of curvature, contact ellipse and load distribution, respectively, this argument is persuasive and the objection to figures 12A-12C as containing centerlines is withdrawn. Correction of these matters is noted with appreciation.

The claims have been amended to overcome the previous rejections. Applicant has filed a verified English translation of PCT International Application Number PCT/JP2004/016977 filed November 16, 2004, which removes World Order Publication 2006/033320 as a reference under 35 USC 102(a). Amended claims 19 is rejected as set forth later below.

Applicant's request that the provisional obviousness type double patenting rejections based on co-pending application 11/663,162 be held in abeyance until the claims of the instant application are in condition for allowance is noted. The claims of the instant application have been amended such that there are no longer provisional obviousness type double patenting rejections based on co-pending application 11/663,162.

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***Information Disclosure Statement***

The information disclosure statement filed February 18, 2010 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. Specifically, there is no concise explanation of the Japanese Office Action issued January 5, 2010 listed thereon. The information referred to in the above Japanese Office Action has not been considered.

***Election/Restrictions***

Claim 1 and 11 are allowable. Claims 10 and 21, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between inventions I and II, as set forth in the Office action mailed on October 5, 2009, is hereby withdrawn** and claims 10 and 21 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite claim language and double recitations of previously recited elements too numerous to mention in every instance. The following are several examples. The claims should be carefully reviewed. In claim 10, lines 1-2, “a wind turbine generator” is a double recitation. In claim 10, line 3, “a main shaft having a blade rotor mounted thereon” is a double recitation. In claim 10, line 4, “one or a plurality of bearings” is a double recitation of the previously recited rollers/roller bearing. In claim 10, lines 5-6, “a double-row self-aligning roller bearing” is a double recitation. In claim 10, lines 6-9, “a first bearing portion arranged remote from the blade rotor and a second bearing portion arranged close to the blade rotor, and in which the first bearing portion has a load carrying capacity higher than that of the second bearing portion” is a double recitation. In claim 21, lines 1-2, “a wind turbine generator” is a double recitation. In claim 21, line 2, “a main shaft having a blade rotor mounted thereon” is a double recitation. In claim 21, line 3, “one or a plurality of bearings” is a double recitation of the previously recited rollers/roller bearing. In claim 21, lines 4-5, “a double-row self-aligning roller bearing” is a double recitation. In claim 21, lines 5 and 6, “a first split bearing portion” and “a second split bearing portion” are double recitations of the previously

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recited split races. In claim 21, lines 6-8, “and in which the first split bearing portion has a load carrying capacity higher than that of the second split bearing portion” is a double recitation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 62-282,173. Disclosed is a double-row self-aligning roller bearing assembly, which is used to support a main shaft 15 of a wind power generator having a blade rotor 3 mounted on the main shaft, comprising two single-row self-aligning roller bearings 18, 19 juxtaposed axially relative to each other, and in which an element associated with a load and a life is differentiated between the two roller bearings, wherein one of the roller bearings 19 that is arranged remote from the blade rotor has a load carrying capacity higher than that of the other of the roller bearings 18 that is arranged close to the blade rotor, and each of rollers of a row in the roller bearing arranged remote from the blade rotor has a length greater than that of each of rollers of the row in the roller bearing arranged close to the blade rotor.

***Allowable Subject Matter***

Claims 1-2, 4-5, 7-8, 11-14, 16-17, and 22-28 are allowed.

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Claims 10 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Verdier/  
Primary Examiner, Art Unit 3745

Christopher Verdier  
Primary Examiner  
Art Unit 3745